

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 2:09-CR-31
)	
SHAWN WALLER)	

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's motion for a continuance of the trial [doc. 710]. Counsel for the defendant states that the present date is a first trial setting for this defendant, and given the voluminous discovery related to all 32 defendants in this case,¹ he requires additional time to review the discovery and prepare for trial. Further, the defendant is facing a potential life sentence, and this fact adds to the complexity of the case. The government has no objection to the defendant's motion.

The court finds the defendant's motion well taken, and it will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The court finds that the failure to grant the motion would deny counsel for the defendant the reasonable time necessary for effective preparation.

¹ The other 31 defendants have entered pleas of guilty and some of them have been sentenced. Mr. Waller was severed from the others and is the last defendant remaining for trial.

18 U.S.C. § 3161(h)(7)(B)(iv). The defendant's motion requires a delay in the proceedings, therefore, all the time from the filing of the defendant's motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A).

Therefore, it is hereby **ORDERED** that the defendant's motion is **GRANTED**, and this criminal case is **CONTINUED** to Tuesday, **October 26, 2010**, at **9:00 a.m.** The new plea cutoff date is October 15, 2010.

ENTER:

s/ Leon Jordan
United States District Judge